

REMARKS/ARGUMENTS

Applicants thank the Examiner for his helpful telephonic interview with their representative Gregory Sieczkiewicz on May 5, 2003, concerning preparation of this amendment.

Sequence listing

In the Office Action, the Examiner indicated that the application is not in compliance with 37 CFR §§ 1.821-1.825, stating “the disclosure indicates that the polynucleotide sequence set forth in Figure 1 and SEQ ID NO: 1 are the same, but while the polynucleotide sequence of Figure 1 is 5253 nucleotides, the polynucleotide sequence of SEQ ID NO: 1 is 5271 nucleotides. Therefore, the sequences are not the same.”

In response, Applicants here amend the application to file a replacement Figure 1-2. The replacement Figure 1-2 indicates that the correct length of the nucleic acid shown and claimed in that figure and in the description of the present application, and corresponding to SEQ ID NO: 1, is 5271 nucleotides in length. The nucleic acid sequence disclosed in originally-filed Figure 1-2 in fact contained 5271 nucleotides, and was mistakenly labeled as having 5253 nucleotides due to a typographical error. No new matter is added to the present application by filing this replacement figure.

Applicants respectfully assert that each of the sequences shown in Figure 1 and in SEQ ID NO: 1 is 5271 nucleotides in length, and that these sequences are identical. Therefore, the application is now in compliance with 37 CFR §§ 1.821-1.825. Further as discussed with the Examiner, provision by Applicants of a new substitute paper copy and computer readable form of the sequence Listing is therefore moot, as those previously provided contain sequences that are now identical to that of the Figures.

Claims

Upon entry of this amendment, claims 1, 2, 4-12, 47-49, 51 and new claim 68 are pending in the application.

Claims 6-9 are here amended to remove reference to claim 3, which is not currently pending as it was withdrawn from prosecution in the Response to Restriction Requirement filed

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Sept. 9, 2001 in this case. Applicants respectfully assert that removal of the reference to claim 3 in claims 6-9 places these claims in condition for allowance. Removal of this reference adds no new matter to the claim, as the reference to claim 3 is not required for support of the claim.

New claim 68 is here added. Support for this amendment can be found in Figure 1, both as originally filed and in the amended form here, both of which contain the nucleotide sequence being claimed. No new matter is added by new claim 68.


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CONCLUSION

On the basis of the foregoing amendments, Applicants respectfully submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is invited and encouraged to contact the undersigned at the telephone number provided below.

It is believed that no fee is associated with this Amendment, however the Commissioner is hereby authorized to charge any fee that may be due to Deposit Account No. 50-0311, Ref. No. 24815-526.

Respectfully submitted,



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